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DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

[Protest Alleging that Award is Not Financially Responsible]

FILE: B-202900

DATE: May 5, 1981

MATTER OF: X-Tyal International Corp.

DIGEST:

GAO does not review affirmative determinations of responsibility absent showing of fraud by procuring officials or that solicitation contains definitive responsibility criteria which have not been applied.

X-Tyal International Corp. (X-Tyal) protests the award of a contract to Minden Mills under invitation for bids No. DLA700-81-P-0944 issued by the Defense Construction Supply Center, Defense Logistics Agency, Columbus, Ohio. X-Tyal contends that Minden Mills is not a financially responsible bidder since, according to X-Tyal, it has a record of delayed payments to vendors.

Our Office does not review protests against affirmative determinations of responsibility unless either fraud is shown on the part of the procuring officials or the solicitation contains definitive responsibility criteria which allegedly have not been applied. Planned Systems International, Inc., B-200860, November 7, 1980, 80-2 CPD 348. Neither of these exceptions is present here.

Protest dismissed.

Harry R. Van Cleve

Harry R. Van Cleve
Acting General Counsel

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